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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,647	05/30/2001	Osamu Iemoto	1573.1006	5798

21171 7590 09/03/2004

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

BELL, MELTIN

ART UNIT PAPER NUMBER

2121

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,647

Applicant(s)

IEMOTO ET AL.

Examiner

Meltin Bell

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-25 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 17 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/17/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This non-final action is responsive to application **09/866,647** filed 05/30/2001 as well as the Specification, Drawing Corrections, Information Disclosure Statement and Amendment filed 5/17/04. Claims 1-25 filed by the applicant have been entered and examined. An action on the merits of claims 1-25 appears below.

Priority

Applicant's claim for foreign priority against application number 2000-398404 filed in Japan on **12/27/00** under 35 U.S.C. 119(a)-(d) is acknowledged.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 stands rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims (e.g. "material", "text", "computer-assisted", "and/or") raise a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. For example, if claim 19 was amended to recite a computer-implemented method, it will be

Art Unit: 2121

statutory in most cases since use of technology permits the function of the descriptive material to be realized.

Claim Rejections - 35 USC § 103

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (nonstatutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of these new ground(s) of rejection. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Office presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Office to

Art Unit: 2121

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-23 and 25 are rejected under 35 U.S.C. 103(a) as being obvious over *Siefert* USPN 5,810,605 "Computerized repositories applied to education" (September 22, 1998) in view of *Minkus* USPN 5,122,952 "Method and apparatus for automated learning tool selection for child development" (June 16, 1992) and in further view of *Brown et al* USPN 6,206,700 "Apparatus and method for interactive adaptive learning by an individual through at least one of a stimuli presentation device and a user perceivable display" (Patented March 27, 2001; Filed October 14, 1994).

Regarding claim 1:

Siefert teaches,

- a memory having a first memory area for storing a plurality of teaching material elements including text, video and/or audio data, and having a second memory area for storing teaching material presentation patterns (column 6, lines 34-36, "The person, or... of the REPOSITORY"; column 6, lines 45-64, "Each RESOURCE Has... of the cards"; column 8, lines 58-61, "RESOURCES include all... programs which teach"; column 13, lines 66-67, "The learning of... the student to"; column 14, lines 1-4, "master in overall... learned in parts")
- first processor for providing a questionnaire to a user and to store the determined teaching material presentation pattern in said second memory area (column 6, lines 22-25, "If the RESOURCE... and launches it")

Art Unit: 2121

- second processor for retrieving said teaching material presentation pattern for said user from said second memory area, selecting and editing ones of a plurality of teaching material elements of a specific subject in said first memory area in accordance with said teaching material presentation pattern to generate a teaching material module, and presenting said teaching material module to said user in accordance with said teaching material presentation pattern (FIG. 1)

- third processor for storing said presentation pattern in said second memory area (column 4, lines 60-67, "CLS Uses Multiple...available telephone channels")

However, *Siefert* doesn't explicitly teach analyzing an answer to said questionnaire to determine a trait of said user related to personality, and for determining a teaching material presentation pattern for said user in accordance with said determined trait of said user or analyzing learning behavior of said user during a learning process of said user using said presented teaching material module in accordance with said teaching material presentation pattern, modifying said teaching material presentation pattern in accordance with said analysis, and storing said modified presentation pattern in said second memory area while *Minkus* teaches,

- analyzing an answer to said questionnaire (column 1, lines 50-62, "These and other ... tools are selected") to determine a trait of said user related to personality (column 37, lines 55-58, "The strengths, weaknesses ... list is generated"), and for determining a teaching material presentation pattern for said user in accordance with said determined trait of said user

Brown et al teaches,

Art Unit: 2121

- analyzing learning behavior of said user during a learning process of said user using said presented teaching material module in accordance with said teaching material presentation pattern (Abstract, "An interactive adaptive ... strategies or needs"), modifying said teaching material presentation pattern in accordance with said analysis (column 9, lines 16-44, "as shown in FIG. 2 ... best learning strategies"), and storing said modified presentation pattern (column 8, lines 55-59, "audio, pictorial, and text ... existing core stimuli") in said memory area (Fig. 1; column 7, lines 29-31, "FIG. 2 depicts diagrammatically the ... use of memory"; column 7, lines 66-67, "memory also contains ... specific course to"; column 8, lines 1-2, "allow variety for ... levels of difficulty"; column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 17, lines 3-23, "storing a plurality ... the core stimuli")

Motivation – The portions of the claimed apparatus would have been a highly desirable feature in this art for

- Selecting and matching learning tools that possess developmental value (*Minkus*, Abstract, "Computer-assisted methods and ... for the child")
- Dynamically adapting to the user's particular learning strategies or needs (*Brown et al*, Abstract, "An interactive adaptive ... strategies or needs")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Siefert* as taught by *Minkus* and *Brown et al* for the purpose of selecting and matching learning tools that possess developmental value as well as dynamically adapting to the user's particular learning strategies or needs .

Regarding claim 2:

The rejection of claim 2 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 2's limitations difference is taught in *Siefert*:

- said second processor further retrieves said modified teaching material presentation pattern for said user from said second memory area, selects and edits ones of said plurality of teaching material elements of said specific subject in said first memory area in accordance with said modified presentation pattern to generate another teaching material module, and presents said other teaching material module to said user in accordance with said modified presentation pattern (column 15, lines 53-67, "The computer system...and practice situations")

Regarding claim 3:

The rejection of claim 3 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 4:

The rejection of claim 4 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 4's limitations difference is taught in *Brown et al*:

- said teaching material presentation pattern defines specific magnitudes related to difficulty, required time and dissimilarity of the teaching material elements (Figs. 7, 8A-F 14A-D)

Regarding claim 5:

The rejection of claim 5 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 5's limitations difference is taught in *Siefert*:

- questionnaire comprises first and second portions and said second portion of said questionnaire is determined depending on an answer to said first portion of said questionnaire and is provided after said first portion of said questionnaire is provided (column 7, lines 13-25, "The LEARNING PROFILE...LEARNING PROFILE generation"; column 9, lines 1-25, "Based on PROFILES...given by computer")

Regarding claim 6:

The rejection of claim 6 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 6's limitations difference is taught in *Siefert*:

- said first processor analyzes the answer to said questionnaire to further determine a trait of said user related to general life attitude (column 14, lines 4-23, "The main external...conditions of Gagne"; Table 4.2)

Regarding claim 7:

The rejection of claim 7 is similar to that for claim 6 as recited above since the stated limitations of the claim are set forth in the references. Claim 7's limitations difference is taught in *Siefert*:

- said first processor determines said trait of said user related to learning attitude in accordance with said personality trait and said trait of general life attitude (column 12,

Art Unit: 2121

lines 65-67, "Gagne classified all... skills, and attitudes"; column 13, lines 1-33,

Examples of these... some are "external"; Table 3.1)

Regarding claim 8:

The rejection of claim 8 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 8's limitations difference is taught in *Siefert*:

- said teaching material element is a video clip (column 16, lines 53-59, "CLS identified Unit...begins Unit 1")

Regarding claim 9:

The rejection of claim 9 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 10:

Siefert teaches,

- a memory and a processor, said memory having a first memory area for storing a plurality of teaching material elements including text, video and/or audio data, and having a second memory area for storing a teaching material presentation pattern, said program enabling said processor to perform the steps of: (column 6, lines 22-25, "If the RESOURCE...and launches it"; column 6, lines 34-36, "The person, or...of the REPOSITORY"; column 6, lines 45-64, "Each RESOURCE Has...of the cards"; column 8, lines 57-61, "RESOURCES include all...programs which teach"; column 13, lines 66-67, "The learning of...the student to"; column 14, lines 1-4, "master in overall...learned in parts")

- providing a questionnaire to a user (column 12, lines 20-28, "the matched students...different personality characteristics")
- determining a teaching material presentation pattern for said user (column 7, lines 13-17, "The LEARNING PROFILE...loaded into CLS")
- retrieving said teaching material presentation pattern for said user from said second memory area, selecting and editing ones of a plurality of teaching material elements of a specific subject in said first memory area in accordance with said teaching material presentation pattern to generate a teaching material module, and presenting said teaching material module to said user in accordance with said teaching material presentation pattern (column 13, lines 66-67, "The learning of...the student to"; column 14, lines 1-4, "master in overall...learned in parts"; column 15, lines 62-64, "the computer will...subject is requested")

However, *Siefert* doesn't explicitly teach analyzing an answer to said questionnaire to determine a trait of said user related to personality, in accordance with said determined trait of said user to store the determined teaching material presentation pattern in said second memory area or analyzing learning behavior of said user during a learning process of said user using said presented teaching material module in accordance with said teaching material presentation pattern, modifying said teaching material presentation pattern in accordance with said analysis, and storing said modified presentation pattern in said second memory area while *Minkus* teaches,

Art Unit: 2121

- analyzing an answer to said questionnaire (column 1, lines 50-62, "These and other ... tools are selected") to determine a trait of said user related to personality (column 37, lines 55-58, "The strengths, weaknesses ... list is generated")
- in accordance with said determined trait of said user to store (column 13, lines 33-63, "These identified characteristics ... mass storage device"; column 37, lines 30-42, "The information from ... a user number") the determined teaching material presentation pattern (column 2, lines 15-28, "The VIP data ... of the child") in said second memory area (column 3, lines 6-16, "At least one ... data storage device")

Brown et al teaches,

- analyzing learning behavior of said user during a learning process of said user using said presented teaching material module in accordance with said teaching material presentation pattern (Abstract, "An interactive adaptive ... strategies or needs"), modifying said teaching material presentation pattern in accordance with said analysis (column 9, lines 16-44, "as shown in FIG. 2 ... best learning strategies"), and storing said modified presentation pattern (column 8, lines 55-59, "audio, pictorial, and text ... existing core stimuli") in said memory area (Fig. 1; column 7, lines 29-31, "FIG. 2 depicts diagrammatically the ... use of memory"; column 7, lines 66-67, "memory also contains ... specific course to"; column 8, lines 1-2, "allow variety for ... levels of difficulty"; column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 17, lines 3-23, "storing a plurality ... the core stimuli")

Motivation – The portions of the claimed apparatus would have been a highly desirable feature in this art for

Art Unit: 2121

- Selecting and matching learning tools that possess developmental value
(*Minkus*, Abstract, "Computer-assisted methods and ... for the child")
- Dynamically adapting to the user's particular learning strategies or needs (*Brown et al*, Abstract, "An interactive adaptive ... strategies or needs")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Siefert* as taught by *Minkus* and *Brown et al* for the purpose of selecting and matching learning tools that possess developmental value as well as dynamically adapting to the user's particular learning strategies or needs .

Regarding claim 11:

The rejection of claim 11 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 11's limitations difference is taught in *Siefert*:

- enabling said processor to retrieve said modified teaching material presentation pattern for said user from said second memory area, selecting and editing ones of said plurality of teaching material elements of said specific subject in said first memory area in accordance with said modified presentation pattern to generate another teaching material module, and presenting said other teaching material module to said user in accordance with said modified presentation pattern (column 15, lines 53-67, "The computer system... and practice situations")

Regarding claim 12:

The rejection of claim 12 is the same as that for claim 10 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 13:

The rejection of claim 13 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 13's limitations difference is taught in *Brown et al*:

- said teaching material presentation pattern defines specific magnitudes related to difficulty, required time and dissimilarity of the teaching material elements (Figs. 7, 8A-F 14A-D)

Regarding claim 14:

The rejection of claim 14 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 14's limitations difference is taught in *Siefert*:

- said questionnaire comprises first and second portions, and said second portion of said questionnaire is determined depending on an answer to said first portion of said questionnaire, and is provided after said first portion of said questionnaire is provided (column 7, lines 13-25, "The LEARNING PROFILE...LEARNING PROFILE generation"; column 9, lines 1-25, "Based on PROFILES...given by computer")

Regarding claim 15:

The rejection of claim 15 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 15's limitations difference is taught in *Siefert*:

- providing a questionnaire and, determining a trait comprises analyzing the answer to said questionnaire to further determine a trait of said user related to general life attitude (column 14, lines 4-23, "The main external... conditions of Gagne"; Table 4.2)

Regarding claim 16:

The rejection of claim 16 is similar to that for claim 15 as recited above since the stated limitations of the claim are set forth in the references. Claim 16's limitations difference is taught in *Siefert*:

- providing a questionnaire and determining a trait comprises determining said trait of said user related to learning attitude in accordance with said personality trait and said trait of general life attitude (column 12, lines 65-67, "Gagne classified all... skills, and attitudes"; column 13, lines 1-33, Examples of these... some are "external"; Table 3.1)

Regarding claim 17:

The rejection of claim 17 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 17's limitations difference is taught in *Siefert*:

- said teaching material element is a video clip (column 16, lines 53-59, "CLS identified Unit...begins Unit 1")

Regarding claim 18:

The rejection of claim 18 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 19:

Siefert teaches,

- providing a questionnaire to a user (column 12, lines 20-28, "the matched students...different personality characteristics")
- determining a teaching material presentation pattern (column 7, lines 13-17, "The LEARNING PROFILE...loaded into CLS")
- selecting and editing ones of a plurality of teaching material elements of a specific subject in accordance with said teaching material presentation pattern for said user to generate a teaching material module, and presenting said teaching material module to said user in accordance with said teaching material presentation pattern (column 13, lines 66-67, "The learning of...the student to"; column 14, lines 1-4, "master in overall...learned in parts"; column 15, lines 62-64, "the computer will...subject is requested")

However, *Siefert* doesn't explicitly teach analyzing an answer to said questionnaire to determine a trait of said user related to personality, determining a teaching material presentation pattern for said user in accordance with the trait of said user or analyzing learning behavior of said user during a learning process of said user using said presented teaching material module, and modifying said teaching material presentation pattern in accordance with said analysis while *Minkus* teaches,

- analyzing an answer to said questionnaire (column 1, lines 50-62, "These and other ... tools are selected") to determine a trait of said user related to personality (column 37, lines 55-58, "The strengths, weaknesses ... list is generated")

Art Unit: 2121

- determining a teaching material presentation pattern (column 2, lines 15-28, "The VIP data ... of the child") for said user in accordance with the trait of said user

Brown et al teaches,

- analyzing learning behavior of said user during a learning process of said user using said presented teaching material module (Abstract, "An interactive adaptive ... strategies or needs"), and modifying said teaching material presentation pattern in accordance with said analysis (column 9, lines 16-44, "as shown in FIG. 2 ... best learning strategies"; column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 17, lines 3-23, "storing a plurality ... the core stimuli")

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for

- Dynamically adapting to the user's particular learning strategies or needs (*Brown et al*, Abstract, "An interactive adaptive ... strategies or needs")

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Siefert* as taught by *Brown et al* for the purpose of dynamically adapting to the user's particular learning strategies or needs .

Regarding claim 20:

The rejection of claim 20 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 20's limitations difference is taught in *Siefert*:

- retrieving said modified teaching material presentation pattern for said user from said second memory area, selecting and editing ones of said plurality of teaching material

Art Unit: 2121

elements of said specific subject in said first memory area in accordance with said modified presentation pattern to generate another teaching material module, and presenting said other teaching material module to said user in accordance with said modified presentation pattern (column 15, lines 53-67, "The computer system...and practice situations")

Regarding claim 21:

The rejection of claim 21 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 21's limitations difference is taught in *Brown et al*:

- said teaching material presentation pattern defines specific magnitudes related to difficulty, required time and dissimilarity of the teaching materials (Figs. 7, 8A-F 14A-D)

Regarding claim 22:

The rejection of claim 22 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 22's limitations difference is taught in *Siefert*:

- providing a questionnaire and determining a trait comprises analyzing the answer to said questionnaire to further determine a trait of said user related to general life attitude (column 14, lines 4-23, "The main external...conditions of Gagne"; Table 4.2)

Regarding claim 23:

The rejection of claim 23 is similar to that for claim 19 as recited above since the stated limitations of the claim are set forth in the references. Claim 23's limitations difference is taught in *Siefert*:

Art Unit: 2121

- said teaching material module presented to said user is provided to an information processing terminal of said user (column 4, lines 60-67, "CLS Uses Multiple... available telephone channels"; FIG. 1)

Regarding claim 25:

Siefert teaches,

- a processor for providing a questionnaire to a user (column 6, lines 20-25, "A second feature ... and launches it"; column 16, lines 17-24, "Evaluation and revision ... that student's experience")

- a device determines a teaching material presentation pattern for the user (column 8, lines 65-67, "The Intelligent Administrator ... does the following:"; column 9, lines 1-25, "1. Based on PROFILES ... given by computer")

- a storage device for storing the determined teaching material presentation pattern of the user (Abstract, "The invention concerns ... and a professor")

- a display unit to present a teaching material to the user in accordance with the determined teaching material presentation pattern (column 16, lines 1-2, "When the remedial ... score is displayed"; column 20, lines 22-24, "displaying, on a ... plurality of computers")

However, *Siefert* doesn't explicitly teach an input device for receiving a response to the questionnaire from the user based on which the processor determines a trait of the user related to personality, and determines a teaching material presentation pattern for the user or the processor analyzes learning behavior of the user during a learning process

Art Unit: 2121

and modifies the teaching material presentation pattern in accordance with the analysis, and stores the modified presentation in the storage device while *Minkus* teaches,

- an input device (Fig. 1, item 3; column 3, lines 6-16, "At least one ... data storage device") for receiving a response to the questionnaire from the user (column 1, lines 50-62, "These and other ... tools are selected") based on which the processor determines a trait of the user related to personality (column 37, lines 55-58, "The strengths, weaknesses ... list is generated")

Brown et al teaches,

- the processor (column 6, lines 42-49, "FIG. 1 diagrammatically depicts a ... meg hard drive") analyzes learning behavior of the user during a learning process (Abstract, "An interactive adaptive ... strategies or needs") and modifies the teaching material presentation pattern in accordance with the analysis (column 9, lines 16-44, "as shown in FIG. 2 ... best learning strategies"), and stores the modified presentation in the storage device (column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 17, lines 3-23, "storing a plurality ... the core stimuli")

Motivation – The portions of the claimed system would have been a highly desirable feature in this art for

- Selecting and matching learning tools that possess developmental value (*Minkus*, Abstract, "Computer-assisted methods and ... for the child")
- Dynamically adapting to the user's particular learning strategies or needs (*Brown et al*, Abstract, "An interactive adaptive ... strategies or needs")

Art Unit: 2121

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Siefert* as taught by *Minkus* and *Brown et al* for the purpose of selecting and matching learning tools that possess developmental value as well as dynamically adapting to the user's particular learning strategies or needs .

Claim 24 is rejected under 35 U.S.C. 103(a) as being obvious over *Brown et al* in view of *Minkus*.

Regarding claim 24:

Brown et al teaches,

- presenting teaching materials (Figs. 1-2; column 1, lines 25-28, "teaching of reading ... more difficult tasks"; column 1, lines 58-60, "standardized training materials ... or perception skills")
- analyzing learning behavior of the user during a learning process (Abstract, "An interactive adaptive ... strategies or needs"), wherein the teaching materials are dynamically modified in accordance with the analysis (Fig. 2; column 8, lines 53-59, "The libraries portion ... existing core stimuli"; column 9, lines 6-44, "it is shown ... best learning strategies")

However, *Brown et al* doesn't explicitly teach presenting teaching materials based on information related to traits of the user while *Minkus* teaches,

- presenting teaching materials based on information (column 1, lines 50-62, "These and other ... tools are selected") related to traits of the user (column 37, lines 55-58, "The strengths, weaknesses ... list is generated")

Art Unit: 2121

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for

- Selecting and matching learning tools that possess developmental value
(*Minkus*, Abstract, “Computer-assisted methods and ... for the child”)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Brown et al* as taught by *Minkus* for the purpose of selecting and matching learning tools that possess developmental value.

RESPONSE TO APPLICANTS' AMENDMENT REMARKS

Applicant(s) argue(s) that no new matter has been added in 1) amended claims 1-3, 6-7, 10-12, 15-16, 19-20 and 22 and 2) new claims 24-25 (Amendment REMARKS page 13, paragraph 1).

Drawings

Applicant(s) argue(s) that the amended drawings overcome the objections to Figs. 1-2, 4-5 and 8 (Amendment DRAWINGS page 6, paragraph 1). The amendments to Figs. 1-2, 4-5 and 8 have been entered and examined. Applicant's arguments have been fully considered and are persuasive. The objections to the drawings are withdrawn.

Specification

Applicant(s) argue(s) that the amended specification overcomes the objections to paragraphs on page 7-8 and 10(Amendment REMARKS page 13, paragraph 4). The paragraph replacements beginning at page 8, line 9 and page 12, line 33 as well as the amendments to the title, page 7, line 31 (paragraph replaced beginning at page 7, line 25), Table 1 on page 9 and page 10, line 5 have been entered and examined. Applicant's arguments have been fully considered and are persuasive. The objections to the specification are withdrawn.

Claim Objections

Applicant(s) argue(s) that claim 16 has been amended to depend from claim 15 (Amendment REMARKS page 13, paragraph 2). Applicant's argument has been fully considered and is persuasive. The objections to claims 7 and 16 are withdrawn. It is noted, however, that 'to store' in claims 1 and 10 would read well as 'and storing'.

Claim Rejections - 35 USC § 101

Applicant(s) argue(s) that claim 19 satisfies the requirements of 35 USC 101 (Amendment REMARKS page 14, paragraph 4). Applicant's arguments have been fully considered but they are not persuasive for reasons given above. In short, the claim is written broadly enough that a reasonable interpretation of the preamble supports a method implementation that is not run or executed on a computer.

Claim Rejections - 35 USC § 112, 1st paragraph

Applicant(s) argue(s) that claim 19 is useful and operative (Amendment REMARKS page 14, paragraph 7). Applicant's argument has been fully considered and is persuasive. The 35 USC 112, 1st paragraph rejection of claim 19 is withdrawn.

Claim Rejections - 35 USC § 102

Applicant(s) argue(s) that Siefert USPN 5,810,605 does not anticipate the subject application by adaptively modifying a learning material based on analysis of a user's learning behavior during the presentation of the learning material to the user (Amendment REMARKS page 16, paragraph 2). Applicant's argument has been fully considered and is persuasive. The examiner agrees that Siefert does not disclose this limitation. However, column 1, lines 50-62 of Minkus USPN 5,122,952 and the Abstract and column 9, lines 16-44 of Brown USPN 6,206,700 are cited individually and in combination for explicitly and inherently disclosing this subject matter set forth in the claims by the applicants. Furthermore, Minkus' Abstract and column 4, lines 16-32 of Brown, respectively, provide 1) selecting and matching learning tools that possess developmental value and 2) dynamically adapting to the user's particular learning strategies or needs as the motivation and purpose for combining the references.

Applicant(s) argue(s) that Siefert does not use ranges within the learning profiles to dictate a lesson (Amendment REMARKS page 16, paragraph 1). Applicant's argument has been fully considered and is persuasive. The examiner agrees that Siefert does not disclose this limitation appearing in claims 4, 13 and 21. However,

Figs. 7, 8A-F and 14A-D of Brown are cited individually and in combination for explicitly and inherently disclosing this subject matter set forth in the claims by the applicants.

As set forth above with regards to Siefert, Minkus and Brown, the items listed explicitly and inherently teach each element of the applicants' claimed limitations. Applicants have not set forth any distinction or offered any dispute between the claims of the subject application, Siefert's Computerized repositories applied to education, Minkus' Method and apparatus for automated learning tool selection for child development and Brown's Apparatus and method for interactive adaptive learning by an individual through at least one of a stimuli presentation device and a user perceivable display.

New Claims

Applicant(s) argue(s) that new claims 24-25 have been added to accurately customize teaching materials to the user and allow real time updates to the teaching material presentation pattern, respectively (Amendment REMARKS page 16, paragraphs 3-4). The examiner acknowledges the newly added claims and has rejected them under 35 USC 103 as given above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- *Minkus*; USPN 5,122,952; "Method and apparatus for automated learning tool selection for child development"
- *Brown et al*; USPN 6,206,700; "Apparatus and method for interactive adaptive learning by an individual through at least one of a stimuli presentation device and a user perceivable display"
- *Summers*; USPN 6,236,955; "Management training simulation method and system"
- *Ho et al*; USPN 6,160,987; "Computer-aided group-learning methods and systems"
- *Yoshimura*; USPN 5,788,655; "Exercise amount measuring device capable of displaying the amount of exercise to be performed further"
- *Polak*; USPN 6,226,627; "Method and system for constructing adaptive and resilient software"

Any inquiry concerning this communication or earlier communications from the Office should be directed to Melvin Bell whose telephone number is 571-272-3680. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:30 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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Anthony Knight
Supervisory Patent Examiner
Group 3600